

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JESSE DERRICK BOND,)	
)	
Plaintiff,)	Civil Action No. 06-1515
)	
v.)	Judge Cercone
)	Magistrate Judge Caiazza
FNU RHODES, et al.,)	In re: Docs. 127 & 128
)	
Defendants.)	

ORDER

The Plaintiff seeks to compel discovery of copies of written orders directing that his cell be changed. The Defendants have indicated that no such document exists (Doc. 131). The motion should be denied in this respect.

The Plaintiff seeks documentation concerning an incident between Defendant Horne and an inmate other than the Plaintiff. Specifically, he requested "a copy of all reports which resulted from an incident where the use of force . . . by Defendant David Horne inside of the dietary department at SCI Greene which led to of Defendant David Horne along with a final warning" (Doc. 127, Ex. 2, ¶6). The Plaintiff also seeks a documentation of any discipline issued to Horne as a result of that incident. The Defendants indicate that no discipline was taken against Horne as a result of the incident referred to by the Plaintiff. Hence, the report of the incident is, as the Defendants' assert, irrelevant. In fact, the Plaintiff's request expressly seeks

information relating to discipline against Horne. Since no discipline was issued, the motion should be denied in this respect as well.

Lastly, the Plaintiff seeks documentation concerning discipline taken against Defendants Hancher, Bodgen and Lipscomb. Again, the Defendants indicate that no such disciplinary action occurred. Thus, the Motion to Compel (Doc. 127) is DENIED in all respects.

The Plaintiff's Motion to Disqualify for Interest (Doc. 128) is DENIED. The Court Reporter who administered the oath during the Plaintiff's Deposition was qualified to do so, and no conflict of interests exists.

s/Francis X. Caiazza
Francis X. Caiazza
United States Magistrate Judge

cc:
JESSE DERRICK BOND
BZ-2493
S.C.I. at Greene
175 Progress Drive
Waynesburg, PA 15370